

APPEAL NO. 031000
FILED JUNE 16, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 18, 2003. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable mental trauma injury on _____, and that she had disability beginning October 23, 2002, and continuing through November 5, 2002, and beginning November 8, 2002, and continuing through the date of the CCH. The appellant (self-insured) appealed, and the claimant responded.

DECISION

Affirmed

The claimant had the burden to prove that she sustained a compensable injury as defined by Section 401.011(10) and that she had disability as defined by Section 401.011(16). Conflicting evidence was presented on the disputed issues at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations that the claimant sustained a compensable mental trauma injury and that she had disability for the time periods found by the hearing officer are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The self-insured contends that the hearing officer committed reversible error in excluding from evidence Self-Insured's Exhibit No. 5. To obtain reversal of a decision based on the admission or exclusion of evidence, it must be shown that the ruling was in error and that the error was reasonably calculated to cause and probably did cause the rendition of an improper decision. Texas Workers' Compensation Commission Appeal No. 91003, decided August 14, 1991. We do not find that the hearing officer erred in excluding from evidence Self-Insured's Exhibit No. 5 because that exhibit was not timely exchanged with the claimant and the hearing officer determined that the self-insured did not have good cause for failing to timely exchange the exhibit.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**MANAGER
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Robert W. Potts
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Veronica Lopez-Ruberto
Appeals Judge